

b.) Remarks

Claims 1, 6 and 18 have been amended in order to recite the present invention with the specificity required by statute. The subject matter of the amendment may be found in the specification as filed, *inter alia*, in original claims 4 and 5, at page 23, line 11, and in Example 3. Accordingly, claims 4, 5, 10, 11, 21, 22 and 28-32 have been cancelled as superfluous. Accordingly, no new matter has been added.

Claim 1, 4-7, 9-11, 28-30 and 32 are rejected under 35 U.S.C. §103(a) as being obvious over Sorgente (U.S. Patent No. 6,162,787) in view of Guardia and Balado, in further view of Matsuda, for the reasons of record. In that regard, the Examiner acknowledged the synergistic benefit/result demonstrated in Example 3 but states the showings in the Declaration under 37 C.F.R. §1.132 filed August 14, 2009 are not commensurate with the scope of the claims as discussed at pages 2-3 of the Office Action.

This basis of rejection is set forth in the Examiner's comments at page 3, lines 9-12 of the Office Action

“Thus, the claims do not necessarily require that glucosamine and chondroitin sulfate are present in the composition together with the amacha extract, which appears to be required for synergism as presented in Example 3 of the specification”

Although Applicants respectfully submit those of ordinary skill recognize glucosamine was a *representative* amino sugar and chondroitin sulfate was a *representative* glycosaminoglycan, to reduce the issues the claims have been above amended in conformity with the Examiner's kind suggestion. Additionally, as discussed at page 3, lines 14-17 of the Office Action, the claims have also been amended to narrow the

weight ratio of parts (i) and (ii) to 10:1 to 1:10 in conformity with specification page 23, line 11.

The Examiner's assistance and cooperation in expediting the prosecution of this application is gratefully acknowledged.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1, 3, 6, 7, 9, 18 and 20 remain presented for continued prosecution with rejoinder of withdrawn claims 18 and 20 being respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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